

### Notice of Decision

<b>Registrant</b>	Niamh Robinson
<b>Registration number</b>	6028867
<b>Part of Register</b>	Part 2 – Adult Residential Care Worker
<b>Sanction</b>	Undertakings
<b>Date of Effect</b>	13 March 2019

This is a notice of decision of the Northern Ireland Social Care Council (the Council).

#### Decision

The Council has decided:

1. that there is evidence that your Fitness to Practise is impaired by reason of misconduct, as defined in Part 1, Rule 4 of the NISCC Fitness to Practise Rules 2019.
2. to agree undertakings with you.

#### Impairment

The misconduct is that on 17 April 2018 whilst employed as Care Assistant at Corkhill Care Centre:

- a. You used offensive language when referring to Service User A.
- b. You used offensive language towards Service User B when providing personal care.

#### Reasons

The reasons that this behaviour is considered to constitute impaired fitness to practise are:

- Service users have the right to expect that the care and support they receive from social care workers, in whom they place their trust, will be carried out in a dignified, respectful and compassionate manner. By failing to treat the above service users with dignity, consideration, respect and compassion, you have undermined this trust and therefore placed service users at risk of harm and distress.
- Your behaviour has fallen below the standard expected of a person registered with the Northern Ireland Social Care Council.

#### NISCC Standards of Conduct and Practice for Social Care Workers

The Standards of Conduct that your actions have breached are as follows:

**Standard 1: As a social care worker, you must protect the rights and promote the interests and wellbeing of service users and carers. This includes:**

- 1.1 Treating each person as an individual.
- 1.2 Treating people with consideration, respect and compassion.
- 1.8 Respecting and maintaining the dignity and privacy of service users.

**Standard 5: As a social care worker, you must uphold public trust and confidence in social care services. In particular you must not:**

- 5.1 Abuse, neglect or harm service users, carers or colleagues.
- 5.8 Behave in a way, in work or outside work, which would call into question your suitability to work in social care services.

**Standards 6: As a social care worker, you must be accountable for the quality of your work and take responsibility for maintaining and improving your knowledge and skills. This includes:**

- 6.1 Meeting relevant standards of practice and working in a lawful, safe and effective way.
- 6.3 Being personally accountable for your actions and able to explain and account for your actions and decisions.

### **Sanction**

Having regard to the document '*Indicative Sanctions for Consensual Disposal*' the Council decided that the appropriate course of action was to agree undertakings with you. An undertaking is an agreement between you and the Council, setting out limits within which you must practise.

### **Agreed Undertakings:**

1. That you provide a report from your employer six months after the undertakings come into effect:
  - i. Addressing the standard of your performance
  - ii. Confirming that you have attended regular formal and informal supervision and that no concerns have been identified regarding your practice.
2. That you provide a report from your employer 12 months after the undertakings come into effect:
  - i. Addressing the standard of your performance
  - ii. Confirming that you have attended regular formal and informal supervision and that no concerns have been identified regarding your practice.
3. That you will inform the following parties that you are subject to undertakings under the NISCC's fitness to practise procedures, and disclose the undertakings listed at (1-2) above, to them:
  - i. Any organisation or person employing, contracting with, or using you to undertake social care work
  - ii. Any agency you are registered with or apply to be registered with (at the time of application)
  - iii. Any prospective employer (at the time of application)
  - iv. Any educational establishment at which you are undertaking a course of study connected with social care work, or any such establishment to which you apply to take such a course (at the time of application)
  - v. Your General Practitioner.

### **Reasons for the Sanction**

When reaching its decision the Council considered the following factors:

- The misconduct took place at work.
- You failed to fulfil the responsibilities placed on you as a NISCC registered member of staff.
- There has been a serious disregard for the Standards of Conduct and Practice for Social Care Workers.

Mitigating circumstances taken into account:

- There is no evidence that actual harm occurred to service users.
- You have no previous record of misconduct with the Council.
- You have demonstrated insight into your behaviour and remorse for your actions.
- You have co-operated fully with the Council's investigation.
- You have offered mitigation in respect of the offence.
- The Council is satisfied that the likelihood of you repeating the behaviour is low.

### **Agreement**

Having been advised of the consequences, and having been recommended to take independent advice, you agreed to the undertakings detailed above. A record of the undertakings has been placed on your entry in the Register. Other than the restrictions detailed in the undertakings, your ability to practise is not affected.

### **Duration of undertakings**

The undertakings will continue indefinitely. However, under Rule 13(12) you can apply to be released from an undertaking, and the Council will consider your request at that time.

### **Consequences of non-compliance with an undertaking**

Under Rule 13 (13), if the Council receives information that you have not complied with an undertaking, or you fail to provide information to confirm compliance when requested, the Council may:

- (a) Refer the original allegations to the Preliminary Proceedings Committee; and
- (b) Treat the failure to comply with an undertaking as a separate allegation of impaired fitness to practise and refer this allegation to the Preliminary Proceedings Committee.

### **Date of Effect**

The undertakings come into effect on 13 March 2019



Helen McVicker  
Head of Fitness to Practise



Date